

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAY HEATH, EDWARD SHAPIRO, and
DAISY BECERRA LOPEZ, individually
and on behalf of all similarly situated persons,

Plaintiffs,

v.

INSURANCE TECHNOLOGIES CORP. and
ZYWAVE, INC.,

Defendants.

Case No. 3:21-cv-01444-N

**PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Jay Heath, Edward Shapiro, and Daisy Becerra Lopez, individually and behalf of others similarly situated ("Plaintiffs"), hereby move this Court to:

1. Preliminarily approve the settlement described in the "Settlement Agreement" between Plaintiffs and Insurance Technologies Corp. and Zywave, Inc. ("Defendants"), and the attachments thereto, including the Claim Form, the Short Form Notice, the Long Form Notice, the Proposed Preliminary Approval Order, and the Proposed Final Approval Order, attached to the Settlement Agreement and Declaration of Gary M. Klinger, filed herewith in support of this Motion as fair, reasonable, and adequate;
2. Provisionally certify the Settlement Class pursuant to Rule 23 for settlement purposes only;
3. Approve the Notice Program set forth in the Settlement Agreement, including the form and content of the notices attached to the Settlement Agreement as Exhibits 2A and 2B;

4. Designate Plaintiffs Jay Heath, Edward Shapiro, and Daisy Becerra Lopez as Class Representatives;

5. Appoint John A. Yanchunis and Ryan D. Maxey of Morgan & Morgan; Gary E. Mason, David K. Lietz, and Gary M. Klinger of Mason Lietz & Klinger LLP; M. Anderson Berry of Clayco C. Arnold, a Professional Law Corp.; and Joe Kendall of Kendall Law Group, PLLC as Class Counsel;

6. Approve the retention of Angeion as Notice Specialist and Claims Administrator;

7. Approve the procedures set forth in Section VII for Settlement Class Members to exclude themselves from the Settlement Class or object to the Settlement;

8. Approve the use of a claim form substantially similar to that attached as Exhibit 1 to the Settlement Agreement, filed herewith;

9. Further stay the Action or otherwise adjourn litigation deadlines pending Final Approval of the Settlement;

10. Stay and/or enjoin, pending Final Approval of the Settlement, any actions brought by Settlement Class Members concerning a Released Claim; and

11. Schedule a Final Approval Hearing for a time and date convenient for the Court, at which the Court will conduct an inquiry into the fairness of the Settlement, final approval of the Settlement and consideration of Settlement Class Counsel's Motion for Award of Fees, Costs, Expenses, and Service Awards for the Class Representatives.

This Motion is based upon: (1) this Motion; (2) the Memorandum in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement; (3) the Declaration of Gary M. Klinger filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (both Short and Long Form); (6) the Claim Form; (7) the [Proposed] Order Granting

Preliminary Approval of Class Action Settlement; (8) the [Proposed] Final Approval Order; (9) the records, pleadings, and papers filed in this action; and (10) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: February 28, 2022

Respectfully submitted,

/s/ Gary M. Klinger

GARY M. KLINGER**

MASON LIETZ & KLINGER LLP

227 W. Monroe Street, Suite 2100

Chicago, IL 60606

Telephone: (202) 429-2290

Facsimile: (202) 429-2294

gklinger@masonllp.com

Joe Kendall

Texas Bar No. 11260700

KENDALL LAW GROUP, PLLC

3811 Turtle Creek Blvd., Ste. 1450

Dallas, TX 75219

Telephone: (214) 744-3000

Facsimile: (214) 744-3015

jkendall@kendalllawgroup.com

M. ANDERSON BERRY**

CLAYEO C. ARNOLD,

A PROFESSIONAL LAW CORP.

865 Howe Avenue

Sacramento, CA 95825

Telephone: (916) 777-7777

Facsimile: (916) 924-1829

aberry@justice4you.com

GARY E. MASON*

DAVID K. LIETZ*

MASON LIETZ & KLINGER LLP

5101 Wisconsin Avenue NW, Suite 305

Washington, DC 20016

Telephone: (202) 429-2290

Facsimile: (202) 429-2294

dlietz@masonllp.com

gmason@masonllp.com

JOHN A. YANCHUNIS
Texas Bar No. 22121300
RYAN MAXEY*
MORGAN & MORGAN
COMPLEX LITIGATION GROUP
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602
Telephone: (813) 559-4908
Facsimile: (813) 222-4795
jyanchuins@forthepeople.com
rmaxey@forthepeople.com

Attorneys for Plaintiffs and the Class

**Pro hac vice forthcoming*

***Admitted pro hac vice*